

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

State Farm Mutual Automobile Insurance Company and)	
State Farm Fire and Casualty Company,)	
)	
Plaintiffs,)	
v.)	Case No. 23-cv-06937
)	
)	Hon. Orelia Merchant
ENS Medical, P.C.,)	
Atlantic Medical Care, P.C.,)	Magistrate Judge Vera Scanlon
Northern Medical Care, P.C.,)	
Queens Medical Diagnostic P.C.,)	
East Coast Medical Care, P.C.,)	
Garden Medical Care, P.C.,)	
Town Medical Care, P.C.,)	
Terrace Medical Care P.C.,)	
Go Medical, P.C.,)	
Omar Ahmed, M.D.,)	
Yong Chi, M.D.,)	
Delys Eva St. Hill, M.D., and)	
Phyllis Gelb, M.D.,)	
)	
Defendants.)	

STIPULATION AND ORDER

WHEREAS, Plaintiffs State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company (collectively, the “State Farm Companies”) have commenced this action against defendants (1) Omar Ahmed, M.D. (“Dr. Ahmed”), (2) ENS Medical, P.C., Northern Medical Care, P.C., Queens Medical Diagnostic P.C., East Coast Medical Care, P.C., Garden Medical Care, P.C., Terrace Medical Care P.C., and Go Medical, P.C. (collectively, the “Ahmed Entities”), (3) Phyllis Gelb, M.D. (“Dr. Gelb”), and (4) Town Medical Care, P.C. (“Town Medical”) (together, the State Farm Companies, Dr. Ahmed, the Ahmed Entities, Dr. Gelb, and Town Medical are referred to collectively as the “Parties”); and

WHEREAS, the State Farm Companies filed a motion for a preliminary injunction against

Dr. Ahmed, the Ahmed Entities, Dr. Gelb, and Town Medical on September 19, 2023 (ECF Nos. 2, 3), which is currently pending; and

WHEREAS, the Parties have negotiated and executed this Stipulation and are respectfully requesting the Court enter the Stipulation as an Order to preserve the status quo pending final resolution of this action.

IT IS HEREBY STIPULATED AND AGREED by the Parties, that:

1. All arbitrations pending before the American Arbitration Association (“Arbitrations”) and all lawsuits pending in the State courts of New York between Dr. Ahmed, the Ahmed Entities, Dr. Gelb, Town Medical, and any entity they own or control, on the one hand, and the State Farm Companies on the other, seeking no-fault insurance benefits for examinations, extracorporeal shockwave therapy treatment (“Shockwave Therapy”), and/or electromyography (“EMGs”) and nerve conduction velocity (“NCVs”) tests (EMGs and NCVs collectively, “EDX Tests”) shall be stayed until final resolution of this action, and Dr. Ahmed, the Ahmed Entities, Dr. Gelb, Town Medical, and any entity they own or control will take no further action to prosecute such pending lawsuits and arbitrations.

2. Dr. Ahmed, the Ahmed Entities, Dr. Gelb, Town Medical, their employees, agents or assigns and any entity they own or control shall not commence and agree to enjoining the commencement of any new Arbitrations or New York State-court proceedings against the State Farm Companies, seeking no-fault benefits for examinations, Shockwave Therapy and/or EDX Tests until final resolution of this action;

3. The State Farm Companies hereby withdraw their motion for a preliminary injunction (ECF Nos, 2, 3).

4. A copy of this Stipulation and Order may be filed or used by any Party to enforce

its terms, including but not limited to any arbitration or state-court lawsuit seeking the collection of no-fault insurance benefits by the Ahmed Entities, Town Medical, or any entity owned and/or controlled by Dr. Ahmed and/or Dr. Gelb.

STIPULATED AND AGREED TO BY:

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*Attorneys for Defendants Phyllis Gelb, M.D.,
and Town Medical Care, P.C.*

SO ORDERED.

Dated: _____

United States District Judge